

TREATY SERIES, No. 522

CONVENTION

BETWEEN

THE UNITED STATES AND CHINA

ARBITRATION

SIGNED AT WASHINGTON, OCTOBER 8, 1908

RATIFICATION ADVISED BY THE SENATE, DECEMBER 10, 1908

RATIFIED BY THE PRESIDENT, MARCH 1, 1909

RATIFIED BY CHINA, FEBRUARY 12, 1909

RATIFICATIONS EXCHANGED AT WASHINGTON, APRIL 6, 1909

PROCLAIMED, APRIL 6, 1909



WASHINGTON

GOVERNMENT PRINTING OFFICE

1909

9-35464

JX 1987

CC

1909

APR 13 1909

U. S. D.

31

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas an Arbitration Convention between the United States of America and the Empire of China was concluded and signed by their respective Plenipotentiaries at Washington, on the eighth day of October one thousand nine hundred and eight, the original of which Convention, being in the English and Chinese languages, is word for word as follows:

The President of the United States of America and His Majesty the Emperor of China, taking into consideration the fact that the High Contracting Parties to the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899, have reserved to themselves, by Article XIX of that Convention, the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment, have resolved to conclude an Arbitration Convention between the two countries, and for that purpose have named as their Plenipotentiaries, that is to say:

The President of the United States of America, Elihu Root, Secretary of State of the United States of America; and

His Majesty the Emperor of China, Wu Ting-fang, Envoy Extraordinary and Minister Plenipotentiary to the United States of America, Mexico, Peru, and Cuba;

Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties before appealing to the Permanent Court of Arbitration shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that such special agreements will be made on the part of the United States by the President of the United States by and with the advice and consent of the Senate thereof.

ARTICLE III.

The present Convention shall remain in force for the period of five years from the date of the exchange of the ratifications.

ARTICLE IV.

The present Convention shall be ratified by the High Contracting Parties, and the ratifications thereof shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention, and have thereunto affixed their seals.

Done at the City of Washington, in duplicate, this 8th day of October, one thousand nine hundred and eight, corresponding to the 14th day of the 9th month of the 34th year of Kuang Hsü.

ELIHU ROOT [SEAL]
WU TING FANG [SEAL]

[Chinese text not printed.]

And whereas the said Convention has been duly ratified on both parts and the ratifications of the two governments were exchanged in the City of Washington, on the sixth day of April, one thousand nine hundred and nine;

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this sixth day of April in the year of our Lord one thousand nine hundred and nine, and of [SEAL.] the Independence of the United States of America the one hundred and thirty-third.

WM H TAFT

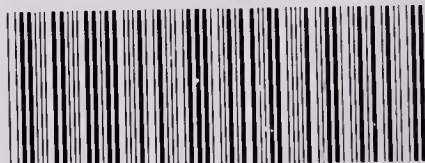
By the President:

P C KNOX

Secretary of State.

O

LIBRARY OF CONGRESS



0 038 716 321 9